

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**CHAUNCEY LARRY HARRISON,
county jail inmate #083121**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:09-cv-413-DPJ-JCS

THE CITY OF JACKSON IMPOUND YARD, et al.

DEFENDANTS

ORDER

Plaintiff, an inmate of the Hinds County Detention Center, Raymond, Mississippi, filed this complaint pursuant to 42 U.S.C. § 1983. The named defendants are: the City of Jackson impound yard; Malcolm McMillin, Sheriff; John Doe, Medical Director for Hinds County Detention Center; Unknown Therman, Lieutenant; and Unknown Scott, Corporal. Upon initial review of the complaint submitted, the Court has reached the following conclusions.

Plaintiff is advised that the City of Jackson impound yard is not a separate legal entity that may be a party to this lawsuit. However, a city can be sued directly under § 1983 when the alleged unconstitutional action executes governmental policy or custom. *Monell v. Dep't of Social Servs.*, 436 U.S. 658 (1978). The Plaintiff will be provided an opportunity to clarify the named Defendant(s) in this cause and provide additional information regarding his claims.

Accordingly, it is hereby,

ORDERED:

1. That on or before August 17, 2009, Plaintiff shall file a written response to:
 - (a) specifically state the date of the Plaintiff's arrest that is the basis for his current incarceration;
 - (b) state if the Plaintiff is naming the City of Jackson as a defendant and if so, Plaintiff is directed to specifically state how the City of Jackson violated his constitutional rights;

- (c) specifically state how defendant Malcolm McMillin violated the Plaintiff's constitutional rights;
- (d) specifically state how defendant John Doe, Medical Director for Hinds County Detention Center, violated the Plaintiff's constitutional rights;
- (e) specifically state how defendant Unknown Therman violated the Plaintiff's constitutional rights;
- (f) specifically state how defendant Unknown Scott violated the Plaintiff's constitutional rights; and
- (g) provide the full names of defendants John Doe, Unknown Therman and Unknown Scott.

2. That failure to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Plaintiff and will result in this cause being dismissed without further notice to the Plaintiff.

3. That the Clerk of Court is directed to mail a copy of this order to the Plaintiff at his last known address.

THIS the 31st day of July, 2009.

s/James C. Sumner
UNITED STATES MAGISTRATE JUDGE